

109TH CONGRESS
2D SESSION

H. R. 5523

To align the immigration laws of the United States with the Mexican General Population Act.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2006

Mr. LINDER (for himself and Mr. FORBES) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To align the immigration laws of the United States with
the Mexican General Population Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; DEFINITIONS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “U.S. General Population Act”.

6 (b) DEFINITIONS.—In this Act:

7 (1) SECRETARY.—The term “Secretary” means
8 the Secretary of Homeland Security.

1 (2) DEPARTMENT.—The term “Department”
2 means the Department of Homeland Security.

3 (3) FOREIGNER.—The term “foreigner” means
4 any person who is not a United States citizen or na-
5 tional.

6 (4) GENERAL MINIMUM DAILY WAGE.—The
7 term “general minimum daily wage” means—

8 (A) the amount equal to the national min-
9 imum wage defined by law; multiplied by

10 (B) the average number of daily hours
11 worked in the United States, as calculated by
12 the Secretary of Labor.

13 **TITLE I—OBJECTIVE AND** 14 **PURPOSE**

15 **SEC. 101. GENERAL OBJECTIVES OF DOMESTIC DEMO-** 16 **GRAPHIC POLICIES.**

17 For purposes of this Act, the Department of Home-
18 land Security shall issue and implement, or promote before
19 the corresponding agencies or entities when applicable,
20 such measures as may be necessary in order to—

21 (1) influence population dynamics by way of
22 educations systems, public health systems, profes-
23 sional and technical training systems, and child pro-
24 tection systems, and encourage the participation of

1 the collective populace in solving the problems that
2 affect it;

3 (2) regulate the immigration of foreigners ac-
4 cording to the modalities deemed appropriate, and
5 ensure the best assimilation of same into the na-
6 tional environment as well as their proper distribu-
7 tion throughout the national territory;

8 (3) restrict the emigration of United States citi-
9 zens and nationals when national interests so re-
10 quire; and

11 (4) stimulate the establishment of strong popu-
12 lation cores of United States citizens and nationals
13 in those border areas that are characterized by low
14 population density.

15 **SEC. 102. IMPLEMENTATION OF PROCEDURES TO CARRY**
16 **OUT DOMESTIC DEMOGRAPHIC POLICIES.**

17 For purposes of the preceding section, the United
18 States Government, as well as other public-sector entities,
19 based on their attributes as set forth by law, shall be re-
20 quired to apply and implement such procedures as may
21 be necessary to achieve each of the objectives of the do-
22 mestic demographic policies. The Department of Home-
23 land Security, however, shall be exclusively responsible for
24 establishing norms, handling joint initiatives, and coordi-

1 nating programs between said entities as relates to demo-
2 graphic matters.

3 **TITLE II—MIGRATION**

4 **SEC. 201. INTERNATIONAL TRANSIT OF PERSONS.**

5 The international transit of persons by way of sea
6 ports, airports, and border crossings may occur only at
7 those places designated for such purposes, within the es-
8 tablished time periods, and with the intervention of the
9 United States Customs and Border Protection.

10 **SEC. 202. AUTHORITY TO SUSPEND INTERNATIONAL TRAN-** 11 **SIT.**

12 The Department of Homeland Security may tempo-
13 rarily suspend international transit through airports, sea
14 ports, and border crossings when public interests so re-
15 quire.

16 **SEC. 203. APPLICATION TO UNITED STATES AND FOREIGN** 17 **CITIZENS AND NATIONALS.**

18 In order to enter or leave the country, both United
19 States and foreign citizens and nationals must comply
20 with the requisites set forth in this Act, the regulations
21 thereto, and other applicable legal provisions.

22 **SEC. 204. ENTRY BY UNITED STATES CITIZENS AND NA-** 23 **TIONALS.**

24 United States citizens and nationals who enter the
25 country shall be required to verify their nationality, submit

1 to a medical examination when deemed necessary, and
2 provide such statistical data as may be required. In the
3 case of a person infected with a contagious illness, the im-
4 migration officials shall expedite the standard procedures
5 in the event said person must be allowed to enter the coun-
6 try in order to receive medical attention at such place as
7 the public health officials shall indicate.

8 **SEC. 205. EXCEPTION TO INSPECTION REQUIREMENTS.**

9 The inspection set forth in section 204 shall not be
10 required in the case of representatives of foreign govern-
11 ments who enter the country in an official capacity, nor
12 their family members and employees. This exception shall
13 also apply to those persons who are exempt from terri-
14 torial jurisdiction, based on international legislation, trea-
15 ties, or customary practices, if there exists reciprocity.

16 **SEC. 206. REGULATIONS APPLICABLE TO MARITIME POPU-**
17 **LATION CENTERS, BORDER TOWNS, AND AIR-**
18 **PORTS THAT RECEIVE INTERNATIONAL**
19 **TRAFFIC.**

20 The Secretary of Homeland Security shall, in accord-
21 ance with the particular characteristics of each region, es-
22 tablish regulations applicable to those foreigners who visit
23 maritime population centers, border towns, and airports
24 that receive international traffic. The same shall apply
25 with respect to daily traffic between border towns and

1 their neighboring towns across the border, in all cases re-
2 specting the applicable international treaties and conven-
3 tions.

4 **SEC. 207. DUTY OF GROUND, SEA, AND AIR TRANSPORT**
5 **CARRIERS.**

6 The representatives and employees of ground, sea,
7 and air transport carriers shall be required to verify that
8 the foreign citizens and nationals the carriers bring into
9 the country are duly documented.

10 **SEC. 208. PROHIBITION ON MARITIME TRANSPORT DISEM-**
11 **BARKATION WITHOUT INSPECTION.**

12 No passenger nor crew member arriving by maritime
13 transport may disembark until the immigration officials
14 have performed the corresponding inspection.

15 **SEC. 209. FOREIGN CREW MEMBERS OF AIR, GROUND, OR**
16 **SEA TRANSPORT CARRIERS.**

17 Foreign crew members of air, ground, or sea trans-
18 port carriers may only remain within national territory for
19 the authorized period of time. Any expenses incurred due
20 to their deportation or exit from the country shall be cov-
21 ered by the owners or representatives of said carriers, be
22 they companies, corporate entities of any kind, or individ-
23 uals.

1 **SEC. 210. AIR TRANSPORT PILOTS, SHIP CAPTAINS, AND**
2 **GROUND TRANSPORT DRIVERS.**

3 Air transport pilots, ship captains, and ground trans-
4 port drivers must present to immigration officials, at the
5 time the entry or exit inspection is performed, a list of
6 passenger and crew members, as well as the data nec-
7 essary for their identification.

8 **SEC. 211. PROHIBITION ON DISEMBARKATION OF NONCOM-**
9 **PLYING PASSENGERS.**

10 Those foreigners who do not comply with the req-
11 uisites established by this Act and the regulations hereto
12 shall not be authorized to disembark, except for that fore-
13 seen under section 309(i).

14 **SEC. 212. FOREIGNERS IN TRANSIT.**

15 In the case of foreigners in transit who disembark
16 with authorization from the Department of Homeland Se-
17 curity in a domestic port, and subsequently remain on land
18 without legal authorization due to forces beyond their con-
19 trol after the ship or aircraft they were traveling on has
20 left port, such persons must immediately present them-
21 selves to the Department of Homeland Security. In such
22 cases, the Department shall take such measures as may
23 be necessary relating to the immediate exit of such per-
24 sons.

1 **SEC. 213. FOREIGNERS DENIED ENTRY.**

2 Those foreigners who are denied entry by the Depart-
3 ment, due either to insufficient documentation or lack of
4 documentation, as well as stowaways, shall be required to
5 leave the country at the expense of the transport company
6 that brought them into the country, without prejudice to
7 the penalties that may apply in accordance herewith.

8 **SEC. 214. VISITORS TO MARITIME CARRIER IN INTER-**
9 **NATIONAL TRANSIT.**

10 Visitors shall not be allowed to board any maritime
11 carrier in international transit without prior authorization
12 from the Departments of Homeland Security and Health
13 and Human Services.

14 **SEC. 215. TRANSPORT COMPANY LIABILITY.**

15 Transport companies shall be liable for economic pen-
16 alties relating to violations of this Act and the regulations
17 thereto committed by their employees, agents, or rep-
18 resentatives, without prejudice to any direct liability so in-
19 curred by said persons.

20 **TITLE III—IMMIGRATION**

21 **SEC. 301. DEPARTMENT OF STATE DETERMINES NUMBER**
22 **OF IMMIGRANTS.**

23 Based on the corresponding demographic studies, the
24 Department of State shall determine the number of for-
25 eigners to be allowed into the country, either by activity
26 category or by area of residence, and shall subject the im-

1 migration of foreigners to such modalities as may be
2 deemed appropriate, according to their possibilities to con-
3 tribute to national progress.

4 **SEC. 302. DEPARTMENT OF HOMELAND SECURITY IMPOSES**
5 **CONDITIONS ON IMMIGRANTS.**

6 The Department shall be able to impose conditions
7 upon those foreigners who enter the country, with respect
8 to the activities they shall be allowed to pursue, as well
9 as the areas where they shall be allowed to reside. The
10 Department shall also ensure that the immigrants rep-
11 resent useful elements to the country, and that they re-
12 ceive sufficient income to support themselves and, if appli-
13 cable, such persons as may depend on them economically.

14 **SEC. 303. TEMPORARY ADMISSION OF FOREIGNERS WHO**
15 **SUFFER POLITICAL PERSECUTION OR WHO**
16 **HAVE FLED FROM THEIR COUNTRY OF ORI-**
17 **GIN.**

18 Those foreigners who suffer political persecution or
19 who have fled from their country of origin in the situations
20 enumerated under section 309(e) shall be temporarily ad-
21 mitted by the Department while it resolves each case,
22 without such resolution to be performed in the most expe-
23 dited manner possible.

1 **SEC. 304. GROUNDS FOR DENYING FOREIGNERS ENTRY**
2 **INTO THE UNITED STATES OR CHANGING IM-**
3 **MIGRATION CATEGORY OR STATUS.**

4 The Department shall be able to deny foreigners
5 entry into the United States or a change in their immigra-
6 tion category or status in any of the following cases:

7 (1) International reciprocity does not exist.

8 (2) Domestic demographic equilibrium so re-
9 quires.

10 (3) The quotas referred to in (visa cap limit
11 provision) herein do not allow such entry or status
12 change.

13 (4) It is deemed that such entry or status
14 change would be harmful to the economic interests
15 of United States citizens and nationals.

16 (5) The foreigner in question has violated do-
17 mestic laws or has negative references from abroad.

18 (6) The foreigner in question has violated this
19 Act, the regulations thereto, or other applicable ad-
20 ministrative provisions, or does not comply with the
21 requisites set forth in same.

22 (7) The foreigner in question is not deemed
23 physically or mentally sound, in the opinion of the
24 Department of Health and Human Services.

25 (8) Other statutory provisions so stipulate.

1 **SEC. 305. SUSPENSION OR PROHIBITION OF ADMISSION OF**
2 **FOREIGNERS WHEN NATIONAL INTERESTS**
3 **REQUIRE.**

4 The Department shall have the authority to suspend
5 or prohibit the admission of foreigners when national in-
6 terests so require.

7 **SEC. 306. LEGAL STATUS FOR SPOUSES AND PARENTS OF**
8 **UNITED STATES CITIZENS.**

9 When a foreign citizen or national marries a United
10 States citizen or national, or has a child born in the
11 United States, the Department may authorize legal status
12 for that foreign citizen.

13 **SEC. 307. CHANGE IN LEGAL STATUS FOR SPOUSES AND**
14 **PARENTS OF UNITED STATES CITIZENS.**

15 The Department may—

16 (1) revoke the legal status of, and establish a
17 time period for departure from the United States
18 for, a foreign citizen or national described in section
19 306 if the marital bond is dissolved or the foreign
20 spouse fails to comply with the obligations estab-
21 lished by civil family support legislation; or

22 (2) reconfirm or reassign another immigration
23 status on that foreign citizen or national.

1 **SEC. 308. NONIMMIGRANT AND IMMIGRANT CATEGORIES.**

2 Foreign citizens or nationals may legally enter the
3 country with an immigration status corresponding to ei-
4 ther of the following categories:

5 (1) Nonimmigrant.

6 (2) Immigrant.

7 **SEC. 309. NONIMMIGRANT CATEGORIES.**

8 A nonimmigrant shall be a foreign citizen or national
9 who enters the country temporarily with permission from
10 the Department under one of the following categories:

11 (1) Tourist.

12 (2) Transmigrant.

13 (3) Visitor.

14 (4) Religious minister or associate.

15 (5) Political asylee.

16 (6) Refugee.

17 (7) Student.

18 (8) Distinguished visitor.

19 (9) Local visitor.

20 (10) Temporary visitor.

21 (11) Correspondent.

22 **SEC. 310. REQUIREMENTS OF ADMISSION.**

23 Admission into the country granted to a foreigner
24 shall obligate same to comply strictly with the conditions
25 set forth in the visa as well as the provisions established
26 by the respective legislation.

1 **SEC. 311. IMMIGRANT DEFINED.**

2 An immigrant is a foreign citizen or national who en-
3 ters the country legally for purposes of residing therein
4 while waiting to attain permanent resident status.

5 **SEC. 312. TERM OF AUTHORIZED ADMISSION FOR IMMI-**
6 **GRANTS.**

7 Immigrants shall be accepted for up to five years, and
8 shall be required to demonstrate to the satisfaction of the
9 Department that they are complying with the conditions
10 established when their entry into the country was author-
11 ized, as well as with any other applicable immigration pro-
12 visions, in order for their immigration documents to be
13 renewed, when applicable.

14 **SEC. 313. CHANGE IN CONDITIONS OF ADMISSION.**

15 If during the stay period granted the underlying con-
16 ditions allowing the immigrant's stay are not complied
17 with, the immigrant must notify the Department of the
18 situation within fifteen days, so that the immigrant's doc-
19 uments may be revoked and a time period set for the im-
20 migrant to either leave the country or normalize status,
21 at the discretion of the Department.

22 **SEC. 314. INTERRUPTION IN PERIOD OF CONTINUOUS RESI-**
23 **DENCE IN UNITED STATES.**

24 An immigrant who remains outside the country for
25 more than eighteen months either consecutively or inter-
26 mittently shall not be allowed to apply for permanent resi-

1 dent status until the time period set forth in section 319
2 has transpired in its entirety once again.

3 **SEC. 315. LOSS OF STATUS DUE TO ABSENCE FROM UNITED**
4 **STATES.**

5 An immigrant who remains out the country for more
6 than two years shall lose status, except in those cases de-
7 termined by the Department.

8 **SEC. 316. IMMIGRANT CATEGORIES.**

9 The various immigrant categories are as follows:

- 10 (1) Pensioner.
- 11 (2) Investor.
- 12 (3) Professional.
- 13 (4) Confidential Employee.
- 14 (5) Scientist.
- 15 (6) Technician.
- 16 (7) Family member.
- 17 (8) Artist.
- 18 (9) Athlete.
- 19 (10) Assimilated person.

20 **SEC. 317. SCIENTIFIC OR TECHNICAL RESEARCH OR STUD-**
21 **IES.**

22 All foreigners who perform scientific or technical re-
23 search or studies in the United States shall deliver to the
24 Department a copy of such works, even when same are
25 completed, perfected, or printed abroad.

1 **SEC. 318. MAXIMUM FACILITIES FOR THE TEMPORARY AD-**
2 **MISSION OF FOREIGNERS.**

3 In exceptional situations, the Department may estab-
4 lish measures to provide maximum facilities for the tem-
5 porary admission of foreigners.

6 **SEC. 319. APPLICATION FOR PERMANENT RESIDENT STA-**
7 **TUS AFTER 5 YEARS.**

8 Immigrants who have legally resided in the United
9 States for five years—

10 (1) may acquire permanent resident status, pro-
11 vided they have complied with the provisions of this
12 Act and the regulations thereto and their activities
13 have been honest and positive for the community.
14 The interested party shall retain immigration status
15 until such time as the Department has resolved the
16 immigrant's application for permanent resident sta-
17 tus; and

18 (2) shall have his or her documents revoked and
19 a time period set for that immigrant's departure in
20 the event the 5-year stay period allowed to an immi-
21 grant has expired and such immigrant has either not
22 applied for permanent resident status within the
23 time periods established by the regulations, or said
24 status application has been denied, from the United
25 States. In such cases the foreign citizen or national

1 may apply once again for immigrant status in ac-
2 cordance herewith.

3 **SEC. 320. EXPRESS DECLARATION REQUIRED FOR PERMA-**
4 **NENT RESIDENT STATUS.**

5 Express declaration from the Department shall be re-
6 quired in order to obtain permanent resident status.

7 **SEC. 321. AUTHORIZED ACTIVITIES OF PERMANENT RESI-**
8 **DENTS.**

9 A permanent resident may pursue any lawful activity,
10 under such limitations as may be imposed by the Depart-
11 ment, in accordance with the regulations and other appli-
12 cable provisions.

13 **SEC. 322. REVOCATION OF PERMANENT RESIDENT STATUS**
14 **DUE TO ABSENCE FROM UNITED STATES.**

15 A permanent resident may freely exit and enter the
16 country, but shall have immigration status revoked if the
17 permanent resident remains outside the country for more
18 than 3 consecutive years, or for more than a total of 5
19 years during a ten-year period. The 10-year period shall
20 commence as of the date the permanent resident status
21 is granted, in the manner and under the terms set forth
22 in the regulations.

1 **SEC. 323. OFFICIAL REPRESENTATIVES OF FOREIGN GOV-**
2 **ERNMENTS.**

3 Foreign diplomats and consular agents accredited in
4 the country, as well as other officials who are in the
5 United States for purposes of officially representing their
6 respective governments, shall not acquire residence rights
7 based solely on time periods. In the event such an official
8 wishes to continue to reside in the United States upon the
9 termination of official representation capacity, the person
10 in question shall be required to comply with all ordinary
11 requisites. In such cases, the Department shall be able to
12 grant to such foreigners, for motives of reciprocity, such
13 facilities as the corresponding foreign governments grant
14 to those persons who have served as United States rep-
15 resentatives.

16 **SEC. 324. SINGLE IMMIGRATION STATUS PERMITTED.**

17 No foreigner may hold 2 immigration statuses nor
18 pertain to 2 immigration categories simultaneously.

19 **SEC. 325. LIMITED IMMIGRATION STATUSES AND CAT-**
20 **EGORIES.**

21 The immigration statuses or categories described
22 under section 309(1) may not be varied. Variation of the
23 other categories of immigration status shall remain at the
24 discretion of the Department, once the requisites estab-
25 lished herein for the new immigration status requested
26 have been fulfilled.

1 **SEC. 326. AUTHORIZATION REQUIRED FOR ADDITIONAL AC-**
2 **TIVITIES.**

3 Any foreigner who wishes to pursue activities other
4 than those for which that foreigner has already been ex-
5 pressly authorized by the Department must receive per-
6 mission from the Department to pursue such activities.

7 **SEC. 327. NOTIFICATION REQUIRED OF CHANGE IN CIR-**
8 **CUMSTANCES.**

9 Those persons who have foreigners as employees or
10 economic dependents shall be required to notify the De-
11 partment within fifteen days of any circumstance that may
12 alter or modify the immigration conditions to which said
13 foreigner are subject. The aforementioned persons shall
14 also be required to cover the costs incurred due to the
15 deportation of such foreigners in the event the Depart-
16 ment should order such deportation.

17 **SEC. 328. ADMISSIONS REQUIREMENTS.**

18 In order to enter the country, foreigners must comply
19 with the following requisites:

20 (1) Present an official certificate of good phys-
21 ical and mental health, issued by authorities from
22 the country of origin, in those cases where the De-
23 partment shall so require.

24 (2) Be approved of based on such examination
25 as the Department of Health and Human Services
26 may perform.

1 (3) Provide to the Department, under oath,
2 such information as may be requested of them.

3 (4) Identify themselves by way of proper and
4 authentic documents and, if applicable, accredit their
5 immigration status.

6 (5) Present an official certificate of their con-
7 duct, issued by the corresponding authority of their
8 normal place of residence, in those cases where the
9 Department shall so require.

10 (6) Comply with the requisites set forth in their
11 entry permit.

12 **SEC. 329. REGISTRATION UPON ENTRY.**

13 Those foreigners who enter the country under immi-
14 gration status, and those nonimmigrants referred to in
15 subsections (c), (d), (e), (f), and (g) of section 309 shall
16 be required to register with the Department within 30
17 days following the date of their entry.

18 **SEC. 330. VERIFICATION OF LAWFUL PRESENCE.**

19 Whenever required by the Department, foreign citi-
20 zens and nationals must verify that they have legally en-
21 tered and stayed in the United States, and must comply
22 with such other requisites as may be set forth in this Act
23 and the regulations thereto.

1 **SEC. 331. NOTIFICATION OF CHANGES.**

2 Registered foreigners shall be required to notify the
3 Department of any changes in their immigration status
4 or category, nationality, civil status, address, and activi-
5 ties, within thirty days following such changes.

6 **SEC. 332. ACQUISITION OF SECURITIES, REAL ESTATE,**
7 **BANK ACCOUNT.**

8 Regardless of their immigration status, foreigners
9 may, either directly or by proxy, without the need for au-
10 thorization from the Department, acquire fixed or variable
11 income securities and make bank deposits, as well as ac-
12 quire urban real property and rights.

13 **SEC. 333. EXCEPTION FOR FOREIGNERS IN TRANSIT.**

14 A foreigner in transit, due to the nature of his or
15 her status, shall not be eligible to acquire the types of
16 property referred to under section 332.

17 **SEC. 334. VERIFICATION OF LAWFUL PRESENCE TO GOV-**
18 **ERNMENT AUTHORITIES, NOTARIES PUBLIC,**
19 **AND COMMERCIAL BROKERS.**

20 All Federal, State, and local authorities, as well as
21 notaries public and those who substitute or take place of
22 the same, and commercial brokers, shall be required to
23 request those foreigners who deal with them to prove that
24 they are staying in the country legally. In those cases set
25 forth in regulation, such authorities, notaries, and brokers
26 shall be required to request that the foreigners they deal

1 with accredit that their immigration status and category
2 allow them to perform the act or enter into contract in
3 question or, to the contrary, show that they have obtained
4 special authorization from the Department for such ef-
5 fects. In those cases indicated in Regulation, such authori-
6 ties, notaries, and brokers shall notify the Department
7 within a period no longer than 15 days following the act
8 performed or contract entered into before them.

9 **SEC. 335. VERIFICATION OF LAWFUL PRESENCE TO CIVIL**
10 **JUDGES OR OFFICIALS.**

11 Civil judges or officials shall not perform any act in-
12 volving the participation of any foreigner until the latter
13 has first demonstrated that his or her stay in the country
14 is legal, except in cases of the registration of births and
15 deaths under the terms set forth in regulations of this Act.
16 In cases involving the marriage of foreigners with United
17 States citizens and nationals, they must also request au-
18 thorization from the Department.

19 **SEC. 336. REGISTRATION OF REQUIRED VERIFICATIONS.**

20 In all cases the verification referred to in this article
21 must be recorded, and the Department must be given no-
22 tice of the act performed.

1 **SEC. 337. REGISTRATION WITH DEPARTMENT OF MAR-**
2 **RIAGES AND DIVORCES.**

3 Marriages and divorces between United States citi-
4 zens and nationals and foreigners shall be recorded in a
5 registry within the Department within 30 days following
6 the date of same.

7 **SEC. 338. CERTIFICATION FROM DEPARTMENT REQUIRED**
8 **FOR DIVORCE OR ANNULMENT.**

9 No judicial nor administrative authority shall process
10 any divorce or marriage annulment involving foreigners
11 unless the petition for same is accompanied by a certifi-
12 cation from the Department accrediting their legal resi-
13 dence in the United States, as well as a certification that
14 their immigration status and category permit such act to
15 be performed.

16 **SEC. 339. CERTIFICATES ACCREDITING LAWFUL STAY.**

17 The Department, upon request from the interested
18 parties and within a period no greater than thirty working
19 days, shall issue certificates accrediting their lawful stay
20 in the country.

21 **SEC. 340. IMMIGRATION DETENTION CENTERS.**

22 The Department shall establish immigration deten-
23 tion centers in those places within areas of the United
24 States deemed appropriate for purposes of holding, as a
25 security measure if considered necessary, those foreigners

1 whose entry into the United States has been provisionally
2 authorized, as well as those who are to be deported.

3 **SEC. 341. NOTIFICATION OF DEPARTMENT REGARDING**
4 **CRIMINAL PROSECUTION OF FOREIGNERS.**

5 Judicial authorities shall be required to notify the De-
6 partment concerning the particulars of those foreigners
7 who are being prosecuted, upon commencement of said
8 process, along with information with respect to the crimes
9 allegedly committed and any sentence entered.

10 **SEC. 342. NOTIFICATION OF DEPARTMENT CONCERNING**
11 **CHANGES IN CIVIL STATUS AFFECTING FOR-**
12 **EIGNERS.**

13 The States shall require any civil or family court
14 judge to notify the Department concerning changes in civil
15 status affecting foreigners within five days following the
16 date of the corresponding act, sentence, or resolution.

17 **SEC. 343. INTER-AGENCY COOPERATION.**

18 Those authorities who by law are responsible for Fed-
19 eral, State, or local public enforcement agencies shall col-
20 laborate with the Department upon request from the lat-
21 ter, for purposes of enforcing the provisions of this Act.

22 **SEC. 344. EMPLOYMENT AUTHORIZATION VERIFICATION.**

23 No one shall be able to employ foreigners who have
24 not first verified their legal stay in the country and ob-

1 tained the specific authorization to render the service in
2 question

3 **SEC. 345. DEEMED ABANDONMENT OF IMMIGRATION BEN-**
4 **EFIT REQUEST.**

5 In the event a company, a foreigner, or their legal
6 representative does not comply with the requisites set
7 forth by the Department for any immigration procedure
8 within the time period established by the Department for
9 such purposes, it shall be deemed that they have aban-
10 doned (desisted from pursuing) said procedure.

11 **SEC. 346. LIMITATION ON POLITICAL PARTICIPATION.**

12 An individual who is neither a United States citizen
13 or national, nor a permanent legal resident, may not in
14 any way participate in the political affairs of the United
15 States.

16 **TITLE IV—NATIONAL**
17 **POPULATION REGISTRY**

18 **SEC. 401. CREATION OF NATIONAL POPULATION REGISTRY.**

19 The Department shall, through the creation of a Na-
20 tional Population Registry, be responsible for the registra-
21 tion and accreditation of the identity of all foreign persons
22 who reside in the United States.

23 **SEC. 402. PURPOSE.**

24 The purpose of the National Population Registry
25 shall be to maintain a record of every foreign person with-

1 in the United States population, with such data as may
2 be necessary to definitively certify and accredit their iden-
3 tity.

4 **SEC. 403. COMPOSITION.**

5 The Registry shall be comprised of the immigration
6 information kept on record by the Department.

7 **SEC. 404. ASSIGNMENT OF CODE NUMBER.**

8 Upon being registered in the National Population
9 Registry, each person shall be assigned a code number
10 that shall be referred to as an Individual Population Reg-
11 istry Number, which shall serve to register and identify
12 each person individually.

13 **SEC. 405. NORMS, METHODS, AND TECHNICAL PROCE-**
14 **DURES FOR NATIONAL POPULATION REG-**
15 **ISTRY.**

16 The Department shall establish the norms, methods,
17 and technical procedures for the National Population Reg-
18 istry, and shall coordinate the identification and registra-
19 tion methods observed by the various Federal agencies.

20 **SEC. 406. LOCAL AUTHORITY CONTRIBUTION.**

21 Local authorities shall contribute to the composition
22 of the National Population Registry for the following pur-
23 poses:

24 (1) To adopt the norms referred to in section
25 405.

1 (2) To collect information relating to births and
 2 deaths, in order to comprise the National Population
 3 Registry and maintain same permanently updated.

4 (3) When registering births of children born to
 5 foreign parents, to include the Individual Population
 6 Registry Number on the corresponding birth certifi-
 7 cate.

8 **SEC. 407. JUDICIAL NOTIFICATION.**

9 Judicial authorities shall be required to notify the De-
 10 partment of any resolutions that affect an individual's im-
 11 migration rights or imply a modification of a persons reg-
 12 istry data.

13 **SEC. 408. USE IN PREPARING ELECTION DOCUMENTATION.**

14 The Department shall provide to the respective States
 15 such National Population Registry information as may be
 16 necessary for the purposes of preparing election docu-
 17 mentation, under the terms set forth by law.

18 **TITLE V—PENALTIES**

19 **SEC. 501. DEPARTMENT EMPLOYEES.**

20 Employees of the Department shall be penalized with
 21 thirty days suspension, or dismissal in extreme cases, in
 22 the event they—

23 (1) reveal matters of a confidential nature with-
 24 out being authorized to do so;

1 (2) obstruct the normal processing of immigra-
2 tion matters, either maliciously or due to gross neg-
3 ligence;

4 (3) intervene in the handling of the matters re-
5 ferred to in this Act, or provide for or advise upon
6 a way for interested parties to avoid immigration
7 provisions and procedures, either directly or by way
8 of third persons; and

9 (4) maliciously make improper use of immigra-
10 tion documents or provide same to third persons,
11 without the authorization of the Secretary.

12 **SEC. 502. FEDERAL, STATE, AND LOCAL AUTHORITIES.**

13 Any Federal, State, or local authority who violates
14 the provisions of this Act or the regulations thereto, when
15 such violations do not constitute criminal offenses, shall
16 be penalized by a fine of up to \$9,000, and dismissal in
17 the event of repeat violations.

18 **SEC. 503. AIDERS AND ABETTORS.**

19 A person who aids, abets, or advises any individual
20 to violate the provisions of this Act and the regulations
21 thereto in a manner that does not constitute a criminal
22 offense, shall be punished by a fine of up to 100 times
23 the general minimum daily wage in effect at the time the
24 violation is committed, or by incarceration for 36 hours
25 if such fine is not paid.

1 **SEC. 504. FALSE SIGNATURE.**

2 A person who submits or signs any document or peti-
3 tion with a signature that is false or different from the
4 one normally used shall be subject to a fine of up to 200
5 times the general minimum daily wage in effect at the time
6 the violation is committed, or by incarceration for 36
7 hours if such fine is not paid, without prejudice to any
8 penalties that may be incurred when such violation con-
9 stitutes a criminal offense.

10 **SEC. 505. FAILURE TO DEPART.**

11 A fine of up to \$9,000 shall be imposed on any for-
12 eigner whose immigration status has been revoked and
13 who has not complied with the orders from the Depart-
14 ment to leave the United States within the time period
15 set for said purpose.

16 **SEC. 506. REENTRY AFTER DEPORTATION.**

17 Any foreigner who, after being deported, enters the
18 country again without having obtained readmission au-
19 thorization shall receive up to 10 years in prison and be
20 fined up to \$9,000. The same penalty shall be imposed
21 on any foreigner who fails to report or hides his or her
22 deportee status in order to obtain a new entry permit.

23 **SEC. 507. UNAUTHORIZED OVERSTAYS.**

24 Any foreigner who, after initially having legally ob-
25 tained authorization to enter the country, remains in the
26 country illegally due to noncompliance with or violation

1 of the administrative or legal provisions upon which his
2 or her stay was conditioned shall receive up to 6 years
3 in prison and be fined up to \$9,000.

4 **SEC. 508. UNAUTHORIZED ACTIVITIES BY FOREIGNERS.**

5 A fine of up to \$6,000 and imprisonment of up to
6 eighteen months shall be imposed on any foreigner who
7 performs activities for which he or she is not authorized
8 in conformance with this Act or the entry permit granted
9 by the Department.

10 **SEC. 509. CRIMINAL OR DISHONEST ACTS DURING.**

11 Any foreigner who violates the terms governing his
12 or her stay in the country by performing unlawful or dis-
13 honest acts shall receive up to 2 years in prison and be
14 fined up to \$17,000.

15 **SEC. 510. FALSE CLAIM REGARDING IMMIGRATION STATUS.**

16 Any foreigner who maliciously makes use of or claims
17 to hold an immigration status different from that granted
18 to him or her by the Department shall receive up to 5
19 years in prison and be fined up to \$9,000.

20 **SEC. 511. UNLAWFUL ENTRY.**

21 Any foreigner who enters the country illegally shall
22 receive up to two years in prison and be fined between
23 \$600 and \$9,000.

1 **SEC. 512. REVOCATION OF IMMIGRATION STATUS AND DE-**
2 **PORTATION.**

3 Any foreigner who commits the violations described
4 in section 503, 505, 506, 507, 508, 509, 510, 513, 514,
5 524, 525, or 526 of this Act shall have their immigration
6 status revoked and shall be deported, without prejudice
7 to the application of the penalties set forth in such sec-
8 tions.

9 **SEC. 513. PERMANENT AND TEMPORARY BARS FROM RE-**
10 **ENTRY.**

11 In those cases involving threats to national security
12 or sovereignty, deportation shall be definitive. In all other
13 cases, the Department shall determine the time period
14 during which the deported foreigner shall not be allowed
15 to reenter the country. During such period, the person so
16 barred may only be readmitted upon authorization ex-
17 pressly issued by the Secretary.

18 **SEC. 514. MARRIAGE FRAUD.**

19 Any United States citizen who contracts marriage
20 with a foreigner for the sole purpose of allowing the latter
21 to reside in the country, receiving the benefits established
22 by law in such cases, shall receive up to 5 years in prison
23 and be fined up to \$9,000. The same penalties shall apply
24 to the foreigner involved in such a marriage.

1 **SEC. 515. DEPORTATION AND DETENTION.**

2 The deportation of foreigners, as well as those meas-
3 ures established by the Department for holding foreigners
4 in immigration detention centers or in locations used for
5 such purposes prior to their detention, shall be of public
6 order.

7 **SEC. 516. BONDS NOT PREVENTING DEPORTATION.**

8 Bonds required of foreigners by judicial or adminis-
9 trative authorities shall not prevent the execution of de-
10 portation orders issued by the Department against such
11 foreigners.

12 **SEC. 517. MARITIME CARRIER PERMITTING UNAUTHOR-**
13 **IZED DISEMBARKATION.**

14 A fine of up to \$6,000 shall be imposed on any mari-
15 time carrier that allows passengers or crew members to
16 disembark on land before receiving the corresponding per-
17 mit from the Department.

18 **SEC. 518. DISEMBARKATION AT UNAUTHORIZED PLACE OR**
19 **TIME.**

20 Except in cases of force majeure, the disembarking
21 of persons arriving from abroad at places and times not
22 indicated for such purposes shall be punished by a fine
23 of up to \$17,000, to be imposed on the responsible individ-
24 uals, the company involved, or its representatives or con-
25 signees.

1 **SEC. 519. MARITIME AND AIRLINE CARRIERS BRINGING**
2 **PASSENGERS WITHOUT VALID DOCUMENTS.**

3 Maritime carriers or airline companies that bring into
4 the country foreigners without valid immigration docu-
5 ments shall be penalized with a fine of up to \$9,000, with-
6 out prejudice to the possibility of the foreigner in question
7 being turned back and the company being required to re-
8 turn same to his or her place of departure at the com-
9 pany's expense.

10 **SEC. 520. MARITIME AND AIRLINE CARRIERS FAILING TO**
11 **RETURN PASSENGERS DENIED ADMISSION.**

12 In the event a maritime carrier captain or person act-
13 ing in such capacity disobeys an order to transport pas-
14 sengers who have been turned back, said captain or acting
15 captain, the carrier company, or its representatives or con-
16 signees shall be punished with a fine of up to \$9,000. Air-
17 line companies shall be subject to the same fine. In either
18 case a document shall be drawn up for purposes of record-
19 ing all the pertinent circumstances.

20 **SEC. 521. AUTHORIZING OR ORDERING TRANSPORT CAR-**
21 **RIER TO LEAVE THE UNITED STATES WITH-**
22 **OUT THE NECESSARY PERMIT.**

23 A fine of up to \$2,000 shall be imposed on any person
24 who authorizes or orders a transport carrier to leave the
25 United States without the necessary permit from immigra-
26 tion officials.

1 **SEC. 522. PASSENGERS IN TRANSIT WHO FAILURE TO RE-**
2 **PORT OVERSTAY.**

3 Foreigners who fail to comply with the obligation set
4 forth in section 212 herein shall be punished by a fine
5 of up to 100 times the general minimum daily wage in
6 effect at the time the violation is committed, or by incar-
7 ceration for 36 hours if such fine is not paid.

8 **SEC. 523. VISITING A FOREIGN MARITIME CARRIER WITH-**
9 **OUT PERMISSION.**

10 Any person who visits a foreign maritime carrier
11 without permission from immigration officials shall be
12 punished with a fine of up to \$900 or incarceration of
13 up to 3 days. The same penalty shall be imposed on any
14 person who, without being authorized to do so, allows a
15 visit such as those referred to in the preceding paragraph.

16 **SEC. 524. TRAFFICKING.**

17 Imprisonment of between 6 and 12 years and a fine
18 of between 100 and 10,000 times the general minimum
19 daily wage in effect at the time the violation is committed
20 shall be imposed on any person who—

21 (1) for purposes of trafficking, either directly or
22 through an intermediary transports or attempts to
23 transport United States citizens or nationals or for-
24 eigners into another country without the cor-
25 responding documentation;

1 (2) either directly or through another person
2 brings one or more foreigners into the United States
3 without the corresponding documentation issued by
4 an applicable authority; and

5 (3) for purposes of trafficking, shelters or
6 transports foreigners within the United States in
7 order to hide such persons and avoid immigration
8 inspections.

9 **SEC. 525. AIDING TRAFFICKING.**

10 Imprisonment of from 1 to 5 years and a fine of up
11 to 5,000 times the general minimum daily wage in effect
12 at the time the violation is committed shall be imposed
13 on any person who knowingly provides the means to, offers
14 to, or helps to carry out the acts described under section
15 524.

16 **SEC. 526. ENHANCED PENALTIES FOR CERTAIN FORMS OF**
17 **TRAFFICKING.**

18 The fines established under section 524 and 525 shall
19 be increased by up to 50 percent in the event the acts
20 described therein involve underage persons, or under con-
21 ditions or by means that endanger the life, health, or in-
22 tegrity of the undocumented persons, or in the event the
23 principal is a public servant.

1 **SEC. 527. PROCESSING DIVORCE OR MARRIAGE ANNUL-**
2 **MENT WITHOUT CERTIFICATION.**

3 Any judicial or administrative official who processes
4 any divorce or marriage annulment involving foreigners,
5 when the petition for same is not accompanied by a certifi-
6 cation from the Department accrediting their legal resi-
7 dence in the country, nor by a certification that their im-
8 migration status and category permit such act to be per-
9 formed, shall have his or her employment terminated, and
10 shall be imprisoned for up to 6 months or be subject to
11 a fine of up to \$17,000, or both. Any such official shall
12 be suspended from his or her functions upon the initiation
13 of the prosecution of such offense.

14 **SEC. 528. PERMITTING FOREIGNER TO ESCAPE IMMIGRA-**
15 **TION CONTROLS.**

16 A fine of up to 1,000 times the general minimum
17 daily wage in effect at the time the violation is committed
18 shall be imposed on any person who takes custody of a
19 foreigner and then allows said foreigner to escape immi-
20 gration controls, without prejudice to such penalties as
21 may be incurred in the event such action constitutes a
22 criminal offense.

23 **SEC. 529. OTHER ADMINISTRATIVE INFRACTIONS.**

24 Any administrative infraction of this Act or the regu-
25 lations thereto in immigration matters, with respect to
26 cases not foreseen in this chapter, shall be subject to a

1 fine of up to 1,000 times the general minimum daily wage
2 in effect at the time the violation is committed, or subject
3 to detention for up to 36 hours if such fine is not paid.

4 **SEC. 530. COMPLAINT PROCEDURES.**

5 In the event of crimes committed in violation of the
6 provisions of this Act, the criminal proceedings pursued
7 by the United States Attorney General shall be subject
8 to the complaint submitted by the Department in each
9 case.

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